

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## SHERRIE LYNN BAKER,

Plaintiff,

V.

MICHAEL J. ASTRUE,

Defendant.

CASE NO. C12-1278JLR

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the court on the Report and Recommendation (“R&R”)

of United States Magistrate Judge Mary Alice Theiler (R&R (Dkt. # 22)). Having

carefully reviewed all of the foregoing, along with all other relevant documents, and the

governing law, the court ADOPTS the Report and Recommendation (Dkt. #22). The

final decision of the Commissioner is REVERSED and this case is REMANDED to the

Social Security Administration further proceedings not inconsistent with the Report

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the parties and to Magistrate Judge Theiler.

1 A district court has jurisdiction to review a Magistrate Judge's report and  
2 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must  
3 determine de novo any part of the magistrate judge's disposition that has been properly  
4 objected to." *Id.* The court reviews de novo those portions of the report and  
5 recommendation to which specific written objection is made. *United States v. Reyna-*  
6 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear that the  
7 district judge must review the magistrate judge's findings and recommendations de novo  
8 if objection is made, but not otherwise." *Id.* When no objections are filed, the court need  
9 not review de novo the report and recommendation. *Wang v. Masaitis*, 416 F.3d 992,  
10 1000 n.13 (9th Cir. 2005).

11 Here, neither party has objected to Magistrate Judge Theiler's R&R. (See Dkt.)  
12 Thus, the court need not review de novo the report and recommendation. *Wang*, 416  
13 F.3d at 1000. Moreover, the court has examined the record before it and Magistrate  
14 Judge Theiler's R&R and finds the Magistrate Judge's reasoning persuasive in light of  
15 that record. Accordingly, the court ADOPTS the R&R in its entirety.

16 Dated this 14th day of May, 2013.

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20 JAMES L. ROBART  
21 United States District Judge  
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